



COMMONWEALTH OF KENTUCKY

DEPARTMENT OF PUBLIC ADVOCACY

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Essential Criminal Justice Resource Released

A comprehensive chart of Kentucky criminal statutes and their immigration consequences is now available

(Frankfort, Kentucky, April 4, 2013) A new resource that details immigration consequences for non-citizens in Kentucky's criminal justice system has been released by the Department of Public Advocacy (DPA).

Kate Benward, a Public Defender Corps Fellow in the DPA LaGrange Trial Office, with the support of **Dan Kesselbrenner** of the National Immigration Project <http://www.nationalimmigrationproject.org/> created a chart of Kentucky criminal statutes and their immigration consequences. The [DPA 2013 March Advocate](#) discusses the basic immigration concepts that a criminal defense attorney must be familiar with in order to effectively advise clients on the immigration consequences of a criminal conviction and the terminology used in the comprehensive 75 page [Immigration Chart](#). Additional education of defenders will occur at the Annual Public Defender Conference in June 2013. DPA has placed these resources on its web page so they are available to all criminal justice professionals.

Since *Padilla v. Kentucky*, 130 S. Ct. 1473, was decided in 2010, DPA has implemented an aggressive plan to educate its defenders on the responsibilities of the ruling and to create a system to have experts available for consultation. "The Kentucky Department of Public Advocacy (DPA) responded immediately to the requirements of *Padilla* through implementation of tiered system of immigration training and support for its defenders throughout the state," Dan Kesselbrenner said. "Each DPA office has one person designated as the immigration specialist for that office. These specialists receive on-going training on the intersection of criminal and immigration law. These specialists are expected to share the training they receive and answer basic immigration questions as they arise in their respective offices."

DPA created a position through the Public Defender Corps, a joint program of Equal Justice Works and Gideon's Promise (formerly the Southern Public Defender Training Center) for Public Defender Corps Fellow Kate Benward to receive on-going immigration training and support. She works as a more specialized contact person for each office's designated immigration specialist. Anyone from any DPA office can contact her directly with specific questions about a case and client or with general questions about immigration that she can advise on or consult with outside immigration experts as needed. She provides continued training and outreach to the immigration specialists in each office.

Jerry Cox of Rockcastle County, Chair of the Public Advocacy Commission, the statewide public defender governing board, and President-Elect of the National Association of Criminal Defense Lawyers, said, "It is imperative for public defenders and criminal defense lawyers to advise clients fully and accurately. Nothing less is acceptable. These immigration resources developed and made available by DPA to all in the criminal justice system will help clients receive fair results."

"In all criminal prosecutions the accused has the right to be heard by himself and counsel...." Section 11, KY Constitution (1891).

Public Advocate **Ed Monahan** said, “When we receive help from a doctor or other professional, we expect to be fully and accurately advised about the consequences of what is recommended to us. We have a right to know the side effects of a medicine, the risks of surgery or other treatments for our illness. So too, the person accused of a crime has a right to understand what the collateral consequences of a course of action is. We would never find incorrect advice from a doctor acceptable. DPA is working to provide our clients with what we all expect for ourselves.”

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- The statewide public defender program, the Department of Public Advocacy, represented clients in 161,000 cases last fiscal year with funding of \$212 per case.
 - County Attorneys have 120 offices, Commonwealth Attorneys have 57 offices. There are 31 Kentucky public defender offices.
 - Further information about DPA is found at: <http://dpa.ky.gov/>
 - DPA’s FY 12 Annual Litigation Report is found at: <http://bit.ly/DPA2012>